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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,928	06/27/2001	George Mazereeuw	03DV-9049	8319

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EXAMINER

TANNER, HARRY B

ART UNIT PAPER NUMBER

3744

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/681,928

Applicant(s)

Mazereeuw

Examiner

Tanner

Group Art Unit

3744

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on Dec 30, 2002
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 2-3, 5-26, 28-29, 31-36, 38-39, 41-69 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 2-3, 5-26, 28-29, 31-36, 38-39, 41-69 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 3744

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelber et al in view of Efron et al. Gelber discloses a control system for a plurality of cooling devices in which an attached control means 30 has a wireless interface 94. Gelber uses a radio frequency interface to provide the wireless interface. Efron teaches that a number of wireless interfaces are available for linking elements of a cooling system including radio frequency and infrared (see col. 4, lines 20-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Gelber such that it included use of infrared communication rather than radio frequency in view of the teachings of Efron.

Claims 3, 5-26, 28-29, 31-36, 38, 41-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelber et al in view of Efron et al as applied to claim 2 above, and further in view of Simon. Gelber discloses controlling a plurality of food storage compartments wherein each compartment has temperature settings, defrost parameters and alarm parameters (see col. 7,

Art Unit: 3744

lines 3-65). Gelber does not disclose a wireless communication between cooling device 28 and control means 30. Simon teaches the use of wireless communication between cooling devices, temperature probes and control means in order to reduce wiring between elements of a refrigeration system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Gelber such that it included use of wireless communication between cooling devices, temperature probes and control means in order to reduce wiring in view of the teachings of Simon. It is considered to have been an obvious matter of engineering design choice as to the specific information about each cooling compartment that is stored in the memory of the control means.

Applicant's arguments filed on December 30, 2002 have been fully considered but they are not deemed to be persuasive. For example, with respect to applicant's contention that Gelber does not disclose the use of a satellite interface or a infra-red interface, it is noted that it is well known in the art to use a number of different types of wireless communication links including infra-red in temperature control systems as is evident by the references to Efron, Heitman et al and Nakanishi et al.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P.

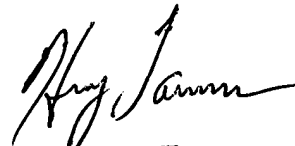
Serial Number: 09/681,928

-4-

Art Unit: 3744

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

  
**Harry B. Tanner**  
**Primary Examiner**

Harry Tanner  
March 21, 2003  
703-308-2622